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ORDINANCE NO. 2023-02

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3 **AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA,**  
4 **RELATING TO IMPACT FEES; ADOPTING THE FEE STUDY DATED**  
5 **JULY 18, 2023 PREPARED BY TISCHLER BISE; INCREASING THE**  
6 **AMOUNTS TO BE CHARGED FOR WATER AND WASTEWATER**  
7 **IMPACT FEES; ADOPTING NEW POLICE, FIRE, LIBRARY, AND**  
8 **PARKS AND RECREATION IMPACT FEES; ESTABLISHING AN**  
9 **ADMINISTRATIVE CHARGE CONSISTENT WITH STATE LAW;**  
10 **AMENDING REGULATIONS PERTAINING TO THE COLLECTION,**  
11 **USE, AND TIMING OF PAYMENTS OF WATER, WASTEWATER,**  
12 **POLICE, FIRE, LIBRARY, AND PARKS AND RECREATION IMPACT**  
13 **FEES; PROVIDING FOR NOTICE OF INCREASED AND NEW FEES;**  
14 **PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY**  
15 **AND CONFLICTS, AND PROVIDING AN EFFECTIVE DATE.**  
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17 **WHEREAS**, under its home rule powers and pursuant to §163.31801, *Florida Statutes*,  
18 the City of Flagler Beach may impose impact fees to ensure that new development pays for its  
19 proportional share of capital facilities required by such new development; and

20 **WHEREAS**, the City of Flagler Beach last amended its water and wastewater impact fee  
21 program in 2012; and

22 **WHEREAS**, the City Commission of the City of Flagler Beach has studied the necessity  
23 for and implications of the adoption of an ordinance updating the water and wastewater impact  
24 fees and adopting police, fire, library, and parks and recreation impact fees and has retained a  
25 professional consulting firm to prepare a study relating to these fees (the “Study”) to determine  
26 the proportionate demand that new development generates for additional water, wastewater,  
27 police, fire, library, and parks and recreation facilities and improvements; and

28 **WHEREAS**, the Study has been presented to and reviewed by the City Commission of the  
29 City of Flagler Beach, and it has been determined: (1) water, wastewater, police, fire, library, and  
30 parks and recreation impact fees are necessary to offset the costs associated with meeting future  
31 demands for the City’s water, wastewater, police, fire, library, and parks facilities pursuant to the

32 projections set forth in the Study; (2) that the new impact fees bear a reasonable relationship to the  
33 burden imposed upon the City to provide infrastructure and facilities to meet the demand of new  
34 City residents; (3) that impact fee revenues will provide a direct benefit to such new City residents  
35 reasonably related to the fees assessed; (4) that an essential nexus exists between projected new  
36 development and the need for additional facilities and infrastructure to be funded with impact fees  
37 and the benefits that accrue to new development paying the fees; (5) that the amount of the impact  
38 fees are roughly proportional to the *pro rata* share of the additional facilities and infrastructure  
39 needed to serve new development; and

40 **WHEREAS**, §163.31801, *Florida Statutes* requires impact fee increases to be  
41 implemented in annual increments as directed by the statute; and

42 **WHEREAS**, Section 163.31801, *Florida Statutes* requires that local governments ensure  
43 that collection of an impact fee not be required to occur earlier than the date of issuance of issuance  
44 of the building permit for the property that is subject to the fee; and

45 **WHEREAS**, the fees adopted herein are consistent with the maximum increase and phase-  
46 in provisions of Section 163.31801, *Florida Statutes*;

47 **WHEREAS**, the decisions of the City Commission as set forth herein are reasonable and  
48 prudent steps pertaining to sound growth management which have been taken for the benefit of  
49 the citizens of the City, both present and future; and

50 **WHEREAS**, the City is projected to significantly grow in population and further  
51 economically develop in the future; and

52 **WHEREAS**, this Ordinance contains an administrative framework to ensure that the  
53 benefit of facilities and infrastructure funded with impact fees will accrue proportionately to new  
54 development paying the fees; and

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**WHEREAS**, Section 163.3202(3), *Florida Statutes*, encourages the use of innovative land use regulations and impact fees by local governments to manage growth and to provide the necessary public facilities and for the imposition by local governments of impact fees on development to fund the capital cost of facilities necessitated by such development; and

**WHEREAS**, requiring future growth to contribute its fair share of the costs necessary to fund required capital improvements and additions is an integral and vital part of the regulatory plan of growth management in the City and is a practice consistent with sound and generally accepted growth management, fiscal and public administration practices and principles; and

**WHEREAS**, for clarity and ease of reference all impact fees provisions shall be located in a new Chapter 12 of the Code of Ordinances entitled “Impact Fees” and deletion of the existing provisions related to water and wastewater impact fees contained herein is a relocation of the provisions establishing and regulating those impact fees, not a repeal of said impact fees.

Note: Underlined words constitute the new text of the City of Flagler Beach Code of Ordinances, asterisks (\*\*\*) indicate an omission from the original text of the Code of Ordinances, City of Flagler Beach, which is intended to remain unchanged, and ~~strikethrough~~ constitutes deletions from the original Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Flagler Beach, Florida, as follows:

**SECTION 1.** The above recitals, or “Whereas” clauses, are hereby adopted as the City Commission’s legislative findings and are incorporated herein by reference.

**SECTION 2.** Chapter 12 of the Flagler Beach Code of Ordinances is hereby created as follows:

78 **CHAPTER 12 – IMPACT FEES**

79 **ARTICLE I. ADOPTION OF FEE STUDY AND RATIONAL NEXUS**

80 (a) The city commission hereby adopts by reference the Impact Fee Study dated  
81 July 18, 2023 as prepared by Tischler Bise relating to the capital costs of the City of Flagler  
82 Beach to meet facilities and infrastructure needs related to the impacts of new development  
83 for water, wastewater, police, fire, library parks and recreation, and administrative services.

84 (b) The city commission finds that there is a reasonable connection, or rational  
85 nexus, between the need for new or expanded facilities and infrastructure in the city and  
86 the growth in population anticipated within the city. In addition, the city commission finds  
87 there is a reasonable connection, or rational nexus, between the anticipated expenditures of  
88 the police impact fees collected and the benefits accruing to anticipated new development.

89 **ARTICLE II. DEFINITIONS**

90 The following words, terms and phrases, when used in this chapter, shall have  
91 the meaning ascribed to them in this section, except where the context clearly indicates  
92 a different meaning, or except as otherwise provided.

93 *Applicant* means any person, developer, builder or entity which requires public  
94 services as a result of development for the benefit of itself or a prospective future  
95 occupant.

96 *Building* is any structure, either temporary or permanent, designed or built for  
97 the support, enclosure shelter or protection of persons, chattels or property of any kind.  
98 This term shall include trailers, mobile homes or any other vehicles serving in any way  
99 the function of a building. This term shall not include temporary construction sheds or

100 trailers erected to assist in construction and maintained during the time of a  
101 construction.

102 *Nonresidential* includes all land uses not otherwise specified as residential or  
103 exempted as set forth herein. This shall include, but is not limited to day care facilities,  
104 residential care facilities, nursing homes, boarding houses, educational facilities,  
105 cultural facilities, churches, all commercial uses, all transient lodging and entertainment  
106 facilities except those which are temporary in nature, all automotive facilities and/or  
107 structures, all miscellaneous business uses and services and all industrial uses.

108 *Owner of record* means the most recent owner of a parcel of property appearing  
109 in the official records of Flagler County, Florida.

110 *Residential* means multifamily dwelling units, mobile homes, and single-family  
111 detached houses.

112 **ARTICLE III. GENERAL TERMS RELATED TO COLLECTION AND ACCOUNTING**  
113 **OF IMPACT FEE FUNDS**

114 (a) There are established capital fund accounts for impact fees, to be generally  
115 designated as the "Impact Fee Capital Improvement Trust Fund for the Extension of  
116 Primary Water Systems," "Impact Fee Capital Improvement Trust Fund for the Extension  
117 of Primary Wastewater Systems," "Police Impact Fee Account," "Fire Impact Fee  
118 Account," "Library Impact Fee Account, and "Parks and Recreation Impact Fee  
119 Account." Each capital fund account for impact fees shall continue to be maintained  
120 separate and apart from all other accounts of the city. The monies deposited into the  
121 impact fee capital fund accounts shall be used solely for the purposes allowed by *Florida*  
122 *Statutes* and as set forth in this chapter.

123           (b) Funds on deposit in impact fee accounts established within this article  
124 shall not be used for any expenditure that would be classified as an operational expense,  
125 a maintenance expense or a repair expense.

126           (c) Any funds on deposit in an impact fee account not immediately  
127 necessary for expenditure shall be invested in interest-bearing accounts. Applicants  
128 shall not receive a credit for or be entitled to interest from the investment of such funds,  
129 except as otherwise required in this chapter.

130           (d) An applicant may request an estimate of impact fees which may be  
131 imposed by filing a written request to the city. Any estimate which the city provides is  
132 non-binding and may be subject to change when the impact fees become due and  
133 payable pursuant to this chapter. Non-binding estimates are for the sole benefit of the  
134 prospective applicant and neither bind the city, nor preclude it from making  
135 amendments or revisions to any provisions of this chapter. No vested rights, legal  
136 entitlements, or equitable estoppel accrue by reason of a non-binding estimate. A non-  
137 binding fee estimate does not constitute a final decision and may not be appealed  
138 pursuant to this chapter.

139           (e) Any person who disagrees with a decision or interpretation of this  
140 chapter may appeal to the city manager or designee by filing a written notice of appeal  
141 within ten (10) days after the date of the action or decision complained of. The written  
142 notice of appeal shall set forth concisely the action or decision appealed as well as the  
143 grounds upon which the appeal is based. The city manager or designee shall consider  
144 all facts material to the appeal and render a written decision within thirty (30) days of  
145 receiving the appeal. Any person who disagrees with the decision of the city manager

146 or designee may appeal to the city commission by filing a written notice of appeal with  
147 the city manager's office setting forth concisely the decision appealed within ten (10)  
148 days after the date of the city manager's decision. The appeal shall be set for the next  
149 available city commission meeting for consideration. The city commission's written  
150 decision shall constitute final administrative review

151 (f) Failure to pay an impact fee when determined by the city that an  
152 obligation is required to satisfy the impact of development may result in the amount  
153 due becoming a lien against the property. The city shall provide a written notice of the  
154 impact fee due by personal service, certified, return receipt requested United States  
155 Mail or Federal Express or other equivalent overnight letter delivery company. Upon  
156 failure to pay the impact fee within thirty (30) days of the date of the notice, a notice of  
157 lien may be served upon the applicant owing impact fees and recorded in official  
158 records of Flagler County, Florida. Such lien may be foreclosed in the manner  
159 provided by law, and there shall be added to the amount of such lien all costs incident  
160 to such proceedings including reasonable attorney's fees

161 (g) If impact fees have not been expended or encumbered by the end of the  
162 calendar quarter immediately following ten (10) years from the date the fees were paid,  
163 upon application of the fee payer of proof of payment, or proof of the date the  
164 development permit was approved by the city and that development was never begun,  
165 the fees shall be returned with interest at the rate determined by the city based upon the  
166 average interest earning rate incurred by the city in accordance with the following  
167 procedure:

168                   (1) The present owner must petition the city Commission for the  
169                   refund within one (1) year following the end of the calendar quarter immediately  
170                   following ten (10) years from the date on which the fee was received.

171                   (2) The petition must be submitted to the city manager and must  
172                   contain:

173                             (i) A notarized sworn statement that the petitioner is the  
174                             current owner of the property;

175                             (ii) A copy of the dated receipt issued for payment of the fee  
176                             or other document evidencing the date the development was approved by  
177                             the city, which development was never begun;

178                             (iii) A certified copy of the latest recorded deed; and

179                             (iv) A copy of the most recent ad valorem tax bill.

180                   If reimbursement is approved, the city shall remit to the petitioner within sixty (60)  
181                   days of approval. In determining whether a petitioner is entitled to a refund, it shall be  
182                   assumed that impact fees are expended or encumbered in the same order in which they  
183                   were received (that is, "first in, first out"). No refund shall be made of any  
184                   administrative fee authorized and collected pursuant to this chapter.

185                             (h) Any change in the use of property shall require payment of an impact fee  
186                             in an amount equal to any increase in density or intensity.

187                             (i) All impact fee revenues expended from an impact fee fund shall be used  
188                             for the purpose of providing growth necessitated capital improvements and acquiring,  
189                             designing, constructing, extending, expanding, relocating, and/or separating capital



190 facilities and infrastructure determined by the city commission to be necessary to serve  
 191 new development.

192 (j) The City shall be exempt from impact fee charges.

193 **ARTICLE IV. POTABLE WATER IMPACT FEE**

194 (a) Any applicant who seeks to develop land or make improvements to real  
 195 property shall pay the following potable water impact fees in the manner and amount  
 196 established and computed pursuant to this article.

197 (b) Subject to the phase-in of fees pursuant to Section 163.31801, Florida  
 198 Statutes, as set forth in paragraph (c) below, impact fees charged and collected for potable  
 199 water shall be as follows:

<u>Meter Size and Type</u>	<u>Capacity Ratio</u>	<u>Total Impact Fee to be Collected after Phase-In</u>	<u>Existing Impact Fee at Time of Adoption</u>	<u>Increase Over Existing</u>
<u>0.75 Displacement</u>	<u>1.00</u>	<u>\$1,755</u>	<u>\$1,170</u>	<u>\$585</u>
<u>1.00 Displacement</u>	<u>1.67</u>	<u>\$2,931</u>	<u>\$1,954</u>	<u>\$977</u>
<u>1.50 Displacement</u>	<u>3.33</u>	<u>\$5,844</u>	<u>\$3,896</u>	<u>\$1,948</u>
<u>2.00 Displacement</u>	<u>5.33</u>	<u>\$9,354</u>	<u>\$6,236</u>	<u>\$3,118</u>
<u>3.00 Singlejet</u>	<u>10.67</u>	<u>\$18,726</u>	<u>\$12,484</u>	<u>\$6,242</u>
<u>3.00 Compound</u>	<u>10.67</u>	<u>\$18,726</u>	<u>\$12,484</u>	<u>\$6,242</u>
<u>3.00 Turbine</u>	<u>11.67</u>	<u>\$20,481</u>	<u>\$13,654</u>	<u>\$6,827</u>
<u>4.00 Singlejet</u>	<u>16.67</u>	<u>\$29,256</u>	<u>\$19,505</u>	<u>\$9,752</u>
<u>4.00 Compound</u>	<u>16.67</u>	<u>\$29,256</u>	<u>\$19,504</u>	<u>\$9,752</u>

<u>4.00 Turbine</u>	<u>21.00</u>	<u>\$36,855</u>	<u>\$24,570</u>	<u>\$12,285</u>
<u>6.00 Singlejet</u>	<u>33.33</u>	<u>\$58,494</u>	<u>\$38,996</u>	<u>\$19,498</u>
<u>6.00 Compound</u>	<u>33.33</u>	<u>\$58,494</u>	<u>\$38,996</u>	<u>\$19,498</u>
<u>6.00 Turbine</u>	<u>43.33</u>	<u>\$76,044</u>	<u>\$50,696</u>	<u>\$25,348</u>
<u>8.00 Compound</u>	<u>53.33</u>	<u>\$93,594</u>	<u>\$62,396</u>	<u>\$31,198</u>
<u>8.00 Turbine</u>	<u>93.33</u>	<u>\$163,794</u>	<u>\$109,196</u>	<u>\$54,598</u>
<u>10.00 Turbine</u>	<u>140.00</u>	<u>\$245,700</u>	<u>\$163,800</u>	<u>\$81,900</u>
<u>12.00 Turbine</u>	<u>176.67</u>	<u>\$310,056</u>	<u>\$206,704</u>	<u>\$103,352</u>

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201           (c) Implementation of the increased fees provided herein shall be phased in  
202 over four equal installments. During the twelve month period beginning January 1, 2024,  
203 the impact fee to be collected shall be the Existing Impact Fee at Time of Adoption amount  
204 plus one-fourth (1/4) of the Increase Over Existing amount. During the twelve month  
205 period beginning January 1, 2025, the impact fee to be collected shall be the Existing  
206 Impact Fee at Time of Adoption amount plus one-half (1/2) of the Increase Over Existing  
207 Amount. During the twelve month period beginning January 1, 2026, the impact fee to be  
208 collected shall be the Existing Impact Fee at Time of Adoption amount plus three-fourths  
209 (3/4) of the Increase Over Existing amount. Beginning January 1, 2027 the impact fee to  
210 be collected shall be the Total Impact Fee to be Collected after Phase-In.

211 **ARTICLE V. WASTEWATER IMPACT FEE**

212           (a) Any applicant who seeks to develop land or make improvements to real  
213 property shall pay the following wastewater impact fees in the manner and amount  
214 established and computed pursuant to this article.

215 (b) Subject to the phase-in of fees pursuant to Section 163.31801, *Florida*  
 216 *Statutes*, as set forth in paragraph (c) below, impact fees charged and collected for  
 217 wastewater shall be as follows:

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<u>Meter Size and Type</u>	<u>Capacity Ratio</u>	<u>Total Impact Fee to be Collected after Phase-In</u>	<u>Existing Impact Fee at Time of Adoption</u>	<u>Increase Over Existing</u>
<u>0.75 Displacement</u>	<u>1.00</u>	<u>\$1,860</u>	<u>\$1,240</u>	<u>\$620</u>
<u>1.00 Displacement</u>	<u>1.67</u>	<u>\$3,106</u>	<u>\$2,071</u>	<u>\$1,035</u>
<u>1.50 Displacement</u>	<u>3.33</u>	<u>\$6,194</u>	<u>\$4,129</u>	<u>\$2,065</u>
<u>2.00 Displacement</u>	<u>5.33</u>	<u>\$9,914</u>	<u>\$6,609</u>	<u>\$3,305</u>
<u>3.00 Singlejet</u>	<u>10.67</u>	<u>\$19,846</u>	<u>\$13,231</u>	<u>\$6,615</u>
<u>3.00 Compound</u>	<u>10.67</u>	<u>\$19,846</u>	<u>\$13,231</u>	<u>\$6,615</u>
<u>3.00 Turbine</u>	<u>11.67</u>	<u>\$21,706</u>	<u>\$14,471</u>	<u>\$7,235</u>
<u>4.00 Singlejet</u>	<u>16.67</u>	<u>\$31,006</u>	<u>\$20,671</u>	<u>\$10,335</u>
<u>4.00 Compound</u>	<u>16.67</u>	<u>\$31,006</u>	<u>\$20,671</u>	<u>\$10,335</u>
<u>4.00 Turbine</u>	<u>21.00</u>	<u>\$39,060</u>	<u>\$26,040</u>	<u>\$13,020</u>
<u>6.00 Singlejet</u>	<u>33.33</u>	<u>\$61,994</u>	<u>\$41,329</u>	<u>\$20,665</u>
<u>6.00 Compound</u>	<u>33.33</u>	<u>\$61,994</u>	<u>\$41,329</u>	<u>\$20,665</u>
<u>6.00 Turbine</u>	<u>43.33</u>	<u>\$80,594</u>	<u>\$53,729</u>	<u>\$26,865</u>
<u>8.00 Compound</u>	<u>53.33</u>	<u>\$99,194</u>	<u>\$66,129</u>	<u>\$33,065</u>
<u>8.00 Turbine</u>	<u>93.33</u>	<u>\$173,594</u>	<u>\$115,729</u>	<u>\$57,865</u>

<u>10.00 Turbine</u>	<u>140.00</u>	<u>\$260,400</u>	<u>\$173,600</u>	<u>\$86,800</u>
<u>12.00 Turbine</u>	<u>176.67</u>	<u>\$328,606</u>	<u>\$219,071</u>	<u>\$109,535</u>

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220           (c) Implementation of the increased fees provided herein shall be phased in  
221 over four equal installments. During the twelve month period beginning January 1, 2024,  
222 the impact fee to be collected shall be the Existing Impact Fee at Time of Adoption amount  
223 plus one-fourth (1/4) of the Increase Over Existing amount. During the twelve month  
224 period beginning January 1, 2025, the impact fee to be collected shall be the Existing  
225 Impact Fee at Time of Adoption amount plus one-half (1/2) of the Increase Over Existing  
226 Amount. During the twelve month period beginning January 1, 2026, the impact fee to be  
227 collected shall be the Existing Impact Fee at Time of Adoption amount plus three-fourth  
228 (3/4) of the Increase Over Existing amount. Beginning January 1, 2027 the impact fee to  
229 be collected shall be the Total Impact Fee to be Collected after Phase-In.

230 **ARTICLE VI. POLICE IMPACT FEE**

231           (a) Any applicant who seeks to develop land or make improvements to real  
232 property shall pay the following police impact fees in the manner and amount established  
233 and computed pursuant to this article.

234           (b) Beginning January 1, 2024, the police impact fee to be charged and  
235 collected shall be as follows:

<b><u>Residential Fee per Unit</u></b>	
<b><u>Square Footage</u></b>	<b><u>Impact Fee to be Collected</u></b>
<b><u>1,100 or less</u></b>	<b><u>\$455</u></b>

<u>1,101 to 1,500</u>	<u>\$717</u>
<u>1,501 to 2,000</u>	<u>\$905</u>
<u>2,001 to 2,500</u>	<u>\$1,054</u>
<u>2,501 to 3,000</u>	<u>\$1,176</u>
<u>3,001 to 3,500</u>	<u>\$1,281</u>
<u>3,501 or more</u>	<u>\$1,373</u>

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<b><u>Nonresidential Fee per 1,000 Square Feet</u></b>	
<u>Development Type</u>	<u>Impact Fee to be Collected</u>
<u>Industrial</u>	<u>\$381</u>
<u>Commercial</u>	<u>\$1,911</u>
<u>Office &amp; Other Services</u>	<u>\$848</u>
<u>Institutional</u>	<u>\$1,166</u>

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238 **ARTICLE VII. FIRE IMPACT FEE**

239 (a) Any applicant who seeks to develop land or make improvements to real  
 240 property shall pay the following fire impact fees in the manner and amount established and  
 241 computed pursuant to this article.

242 (b) Beginning January 1, 2024, the fire impact fee to be charged and collected  
 243 shall be as follows:

<b><u>Residential Fee per Unit</u></b>
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<u>Square Footage</u>	<u>Impact Fee to be Collected</u>
<u>1,100 or less</u>	<u>\$538</u>
<u>1,101 to 1,500</u>	<u>\$849</u>
<u>1,501 to 2,000</u>	<u>\$1,071</u>
<u>2,001 to 2,500</u>	<u>\$1,247</u>
<u>2,501 to 3,000</u>	<u>\$1,392</u>
<u>3,001 to 3,500</u>	<u>\$1,516</u>
<u>3,501 or more</u>	<u>\$1,625</u>

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<u>Nonresidential Fee per 1,000 Square Feet</u>	
<u>Development Type</u>	<u>Impact Fee to be Collected</u>
<u>Industrial</u>	<u>\$451</u>
<u>Commercial</u>	<u>\$2,261</u>
<u>Office &amp; Other Services</u>	<u>\$1,003</u>
<u>Institutional</u>	<u>\$1,380</u>

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246 **ARTICLE VIII. LIBRARY IMPACT FEE**

247 (a) Any applicant who seeks to develop land or make improvements to real  
 248 property for residential development shall pay the following library impact fees in the  
 249 manner and amount established and computed pursuant to this article.

250 (b) Beginning January 1, 2024, the library impact fee to be charged and  
251 collected shall be as follows:

<b><u>Residential Fee per Unit</u></b>	
<b><u>Square Footage</u></b>	<b><u>Impact Fee to be Collected</u></b>
<u>1,100 or less</u>	<u>\$123</u>
<u>1,101 to 1,500</u>	<u>\$193</u>
<u>1,501 to 2,000</u>	<u>\$244</u>
<u>2,001 to 2,500</u>	<u>\$284</u>
<u>2,501 to 3,000</u>	<u>\$317</u>
<u>3,001 to 3,500</u>	<u>\$345</u>
<u>3,501 or more</u>	<u>\$370</u>

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253 **ARTICLE IX. PARKS AND RECREATION IMPACT FEE**

254 (a) Any applicant who seeks to develop land or make improvements to real  
255 property for residential development shall pay the following parks and recreation impact  
256 fees in the manner and amount established and computed pursuant to this article.

257 (b) Beginning January 1, 2024, the parks and recreation impact fee to be  
258 charged and collected shall be as follows:

<b><u>Residential Fee per Unit</u></b>	
<b><u>Square Footage</u></b>	<b><u>Impact Fee to be Collected</u></b>
<u>1,100 or less</u>	<u>\$1,352</u>

<u>1,101 to 1,500</u>	<u>\$2,132</u>
<u>1,501 to 2,000</u>	<u>\$2,691</u>
<u>2,001 to 2,500</u>	<u>\$3,133</u>
<u>2,501 to 3,000</u>	<u>\$3,497</u>
<u>3,001 to 3,500</u>	<u>\$3,809</u>
<u>3,501 or more</u>	<u>\$4,082</u>

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260 **ARTICLE X. ADMINISTRATIVE FEE**

261 Beginning January 1, 2024, the administrative fee charged and collected for new  
 262 development shall be as follows:

<b><u>Residential Fee per Unit</u></b>	
<u>Square Footage</u>	<u>Administrative Charge</u>
<u>1,100 or less</u>	<u>\$13</u>
<u>1,101 to 1,500</u>	<u>\$20</u>
<u>1,501 to 2,000</u>	<u>\$26</u>
<u>2,001 to 2,500</u>	<u>\$30</u>
<u>2,501 to 3,000</u>	<u>\$33</u>
<u>3,001 to 3,500</u>	<u>\$36</u>
<u>3,501 or more</u>	<u>\$39</u>

263

<b><u>Nonresidential Fee per 1,000 Square Feet</u></b>	
<u>Development Type</u>	<u>Administrative Charge</u>
<u>Industrial</u>	<u>\$18.11</u>



<u>Commercial</u>	<u>\$24.49</u>
<u>Office &amp; Other Services</u>	<u>\$37.52</u>
<u>Institutional</u>	<u>\$34.95</u>

264  
265 **SECTION 3.** Appendix “A,” “Land Development Regulations” of the City of Flagler Beach,  
266 Code of Ordinances is amended by deleting existing Sections 5.03.87 through 5.03.93 which is  
267 being replaced by portions of the new language in Section 2, above.

268 ~~Sec. 5.03.87. Impact Fee.~~

269 ~~Sec. 5.03.88. Definitions.~~

270 ~~The following words, terms and phrases, when used in this article, shall have the meanings~~  
271 ~~ascribed to them in this section, except where the context clearly indicates a different~~  
272 ~~meaning:~~

273 ~~Combination accounts. Accounts that contain both residential and commercial facilities~~  
274 ~~served through a common meter may be treated as nonresidential.~~

275 ~~Equivalent living unit. The following is a definition of equivalent living unit (E.L.U.)~~

276 ~~(1) Residential Single family. Each single family residence served by the city~~  
277 ~~through a single sewer service and/or water meter shall be one (1) equivalent living unit.~~

278 ~~(2) Residential Rooms, combinations of rooms, etc. Each residential room,~~  
279 ~~combination of rooms, apartment, or prepared mobile home space, that includes connection~~  
280 ~~points for sewer and/or water service that is owner occupied, offered separately for rent as~~  
281 ~~a rental unit, or vacant, shall be one (1) equivalent living unit.~~

282 (3) — *Nonresidential, commercial and industrial.* For nonresidential uses not specifically  
 283 defined elsewhere in this article, the number of equivalent living units shall be computed  
 284 by the building official using the fixture unit count as defined in the following table:

Fixture Units	E.L.U.	Fixture Units	E.L.U.
—1—15	1	—241—340	—8
—16—30	2	—341—480	—9
—31—60	3	—481—620	10
—61—80	4	—621—800	11
—81—100	5	—801—1000	12
101—160	6	1001—1300	13
161—240	7	1301—1650	14

285  
 286 For each additional increment of seven hundred fifty (750) fixture units, add one (1) E.L.U.  
 287 *Expansion of an existing connection.* If a building permit is issued for an existing  
 288 connection which will increase water or sewer demand, or if a building changes from  
 289 residential to nonresidential occupancy, the total number of E.L.U.'s for the old and new  
 290 parts of the facility shall be computed as outlined in the definition of "equivalent living  
 291 unit." The number of new E.L.U.'s shall be determined by subtracting the old E.L.U.'s from  
 292 the total number of E.L.U.'s in the entire facility. The impact fee will be assessed on the  
 293 number of new E.L.U.'s. As an example, if an existing building contained one hundred fifty  
 294 (150) fixture units and it was expanded to three hundred (300) fixture units, the impact fee  
 295 would equal (8 E.L.U.'s — 6 E.L.U.'s) or 2 E.L.U.'s.

296 ~~Sanitary sewer facilities. A sanitary sewer system includes two (2) broad categories or~~  
297 ~~subsystems, which are:~~

298 ~~(1) Primary systems:~~

299 ~~a. Plant facilities:~~

300 ~~i. Treatment plants;~~

301 ~~ii. Effluent disposal facilities.~~

302 ~~b. Transmission facilities:~~

303 ~~i. Master pump stations;~~

304 ~~ii. Force mains;~~

305 ~~iii. Interceptors.~~

306 ~~(2) Secondary or local collection systems:~~

307 ~~a. House laterals;~~

308 ~~b. Eight inch or smaller collector sewers;~~

309 ~~e. Lift stations;~~

310 ~~d. Low pressure sewer mains;~~

311 ~~e. Eight inch or smaller force mains.~~

312 ~~Water facilities. A water facility system includes two (2) broad categories or subsystems,~~  
313 ~~which are:~~

314 ~~(1) Primary systems:~~

315 ~~a. Plant facilities:~~

316 ~~i. Wells and well pumps;~~

317 ~~ii. Raw water mains;~~

318 ~~iii. Treatment plans;~~

319 ~~b. — Transmission facilities:~~

320 ~~i. — High service pumps;~~

321 ~~ii. — Storage and re-pumping;~~

322 ~~iii. — Transmission mains.~~

323 ~~Cross reference(s) — General definitions, § 1-2.~~

324 ~~Sec. 5.03.89. Purpose.~~

325 ~~(a) — This article is to establish procedures to facilitate the orderly expansion of the city's~~  
326 ~~water supply system and wastewater treatment system.~~

327 ~~(b) — In order to fund primary capital improvements, several combined methods of~~  
328 ~~financing will be necessary, one (1) of which is an impact fee defined as "a new building's~~  
329 ~~contribution toward its equitable share of the cost of capital improvements required to serve~~  
330 ~~new users."~~

331 ~~(c) — All secondary facilities shall be provided by the customer or developer in~~  
332 ~~accordance with the Uniform Extension Policy to facilitate the orderly expansion of this~~  
333 ~~portion of the water and sewer systems.~~

334 ~~Sec. 5.03.90. Reserved.~~

335 ~~Sec. 5.03.91. Fee schedule.~~

336 ~~(a) — There is hereby imposed an impact fee based on the city commission's~~  
337 ~~determination of the equitable portion of the system upon the equivalent living unit~~  
338 ~~responsible for the need for additional system financing.~~

339 ~~(b) — The fee for each equivalent living unit connected to the system shall be as follows:~~

340 ~~(1) — Water impact fee for primary systems:~~

<del>Plant facilities</del>	<del>\$ 320.00</del>
-----------------------------	----------------------

Transmission facilities	—850.00
—Total	—1,170.00

341

342 (2) — Sewer impact fee for primary systems:

Plant facilities	\$ 725.00
Transmission facilities	—515.00
—Total	—1,240.00

343

344 (e) — Each additional equivalent living unit occasioned by changes in property usage  
 345 subsequent to the effective date of this section shall be subject to an additional impact fee  
 346 computed in accordance with the foregoing criteria.

347 (d) — There shall be an annual adjustment of rates as set forth in Ordinance No. 2000-08  
 348 [2000-28], such adjustment shall be calculated by using the annual indexing factor based  
 349 on the Engineering News Record (ENR) Construction Cost Index. The resulting fee will  
 350 become effective each October 1, starting October 1, 2002, and will be valid for the new  
 351 fiscal year.

352 ~~Sec. 5.03.92. Imposing fee; when payable; penalty for nonpayment~~

353 (a) — The fee in Section 5.03.91 shall be imposed on every equivalent living unit  
 354 connected to the water or sewer system whether those units are new or existing as follows:

355 (1) — On every new connection or addition to the water or sewer system where the  
 356 building permit was issued on October 5, 1979, and subsequent thereto;

357           (2) — On every equivalent living unit connecting to the water or sewer system as it existed  
358           on October 5, 1979 (excepting there from any equivalent living unit for which a building  
359           permit was issued prior to October 5, 1979);

360           (3) — On every equivalent living unit connecting to the water or sewer system and not  
361           having obtained final building inspection as of September 25, 1980.

362           (b) — The fee in Section 5.03.91 shall be imposed on every equivalent living unit  
363           constructed or connected in areas served by the existing sewer or water system as well as  
364           in those areas that will be on an extension of the local collection and distribution system as  
365           well as those areas where the local facilities have been installed by the developer.

366           (c) — Except as otherwise provided in this article, impact fees shall be due and payable  
367           as follows:

368           (1) — In full, upon application for the building permit;

369           (2) — If building permit has already been issued, the fees shall be paid within six (6)  
370           months from the date the permit was issued or upon request for final inspection by the  
371           building official, whichever occurs sooner;

372           (3) — Regardless of method or time of payment, no final inspection shall be made or  
373           approved, nor shall a certificate of occupancy be issued until all such fees are paid in full;

374           (4) — All deferred impact fee payments and all delinquent impact fees shall bear interest  
375           at the rate of four point seven five (4.75) percent per annum, compounded monthly from  
376           the effective date of this section or from the date due, whichever occurs later.

377           (d) — For those equivalent residential units that:

378           (1) — Obtained a building permit on October 5, 1979 and thereafter, and have obtained a  
379           final building inspection as of October 23, 1980;

380           ~~(2) — Are existing structures in areas that will be on future extensions of the local~~  
381           ~~collection and distribution system, a deferred payment plan, known as monthly payback,~~  
382           ~~is hereby established as follows:~~

383           ~~a. — For each water and sewer connection, the city shall receive thirty five dollars and~~  
384           ~~seventy nine cents (\$35.79) per month. This is in addition to all other rates and fees. This~~  
385           ~~fee shall be paid every month until the balance of the fee has been paid. In addition, all~~  
386           ~~"monthly payback" accounts open on each May 1, commencing May 1, 1981, shall be~~  
387           ~~assessed a service fee of twenty five dollars (\$25.00) in order to defray the administrative~~  
388           ~~expense of the monthly payback system. The owner of the E.L.U. can pay the remaining~~  
389           ~~amount due on the account at any time during the payback period;~~

390           ~~b. — For each water connection, the city shall receive seventeen dollars and seventy six~~  
391           ~~cents (\$17.76) per month. This is in addition to all other rates and fees. This fee shall be~~  
392           ~~paid every month until the balance of the fee has been paid. In addition, all "monthly~~  
393           ~~payback" accounts open on each May 1, commencing May 1, 1981, shall be assessed a~~  
394           ~~service fee of twenty five dollars (\$25.00) in order to defray the administrative expense of~~  
395           ~~the monthly payback system. The owner of the E.L.U. can pay during the payback period;~~

396           ~~c. — For each sewer connection, the city shall receive eighteen dollars and three cents~~  
397           ~~(\$18.03) per month. This is in addition to all other rates and fees. This fee shall be paid~~  
398           ~~every month until the balance of the fee has been paid. In addition, all "monthly payback"~~  
399           ~~accounts open on each May 1, commencing May 1, 1981, shall be assessed a service fee~~  
400           ~~of twenty five dollars (\$25.00) in order to defray the administrative expense of the monthly~~  
401           ~~payback system. The owner of the E.L.U. can pay during the payback period;~~

402 d. — The monthly payback and service fee will be added to the monthly water and sewer  
403 bill for the unit and will be the owner's responsibility to ensure payment whether or not the  
404 unit is owner or tenant occupied.

405 (e) — Nonpayment of the impact fee including the monthly pay back where applicable  
406 shall be grounds for discontinuing service.

407 (f) — The impact fee is comprised of two (2) separate fees, i.e., water and sewer. In areas  
408 where only one (1) of these services is available, the applicable fee for the other service or  
409 for both services if neither was available at the time of construction will be imposed when  
410 service is made available.

411 **Sec. 5.03.93. Liens.**

412 ~~All charges due under this article shall be the obligation of the record owner of the~~  
413 ~~equivalent residential unit, irrespective of actual occupancy, and shall constitute a~~  
414 ~~lien against the property until paid. Notice of such lien need not be recorded in the~~  
415 ~~official records of the county in order to be effective, but the city may cause such a~~  
416 ~~notice to be recorded. If such charges are not promptly paid when due, such lien may~~  
417 ~~be foreclosed in the manner provided by law, and there shall be added to the amount~~  
418 ~~of such lien all costs incident to such proceedings including reasonable attorney's fees.~~

419 **SECTION 4.** The City Clerk is directed to post notice on the City's website informing interested  
420 parties of this ordinance and the new and increased impact fees contemplated herein.

421 **SECTION 5.** Codification. It is the intent of the City Commission of the City of Flagler Beach  
422 that the provisions of Section 2 of this Ordinance shall be codified. The codifier is granted broad  
423 and liberal authority in renumbering and codifying the provisions of Section 2 of this Ordinance;  
424 article and section numbers assigned throughout are suggested by the City.



425 **SECTION 6.** Severability. If any section, sentence, phrase, word or portion of this Ordinance is  
426 determined to be invalid, unlawful or unconstitutional, said determination shall not be held to  
427 invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or  
428 portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

429 **SECTION 7.** Conflicts. In any case where a provision of this Ordinance is found to be in conflict  
430 with a provision of any other existing ordinance of this City, the provision which establishes the  
431 higher standards for the promotion and protection of the health and safety of the people shall  
432 prevail.

433 **SECTION 8.** Effective Date. **This Ordinance shall become effective on January 1, 2024,**  
434 which date is more than ninety (90) days from the date of adoption of this Ordinance, pursuant to  
435 the requirements of §163.31801, Florida Statutes.

436

437 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023, by the City Commission  
438 of the City of Flagler Beach, Florida.

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444

445

ATTEST:

446

447

By: \_\_\_\_\_

448

Penny Overstreet, City Clerk

\_\_\_\_\_  
Suzie Johnston, Mayor